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EXAMINER

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ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/758,172	<b>Applicant(s)</b> ALLIBHOY ET AL.	
	<b>Examiner</b> CHUKS ONYEZIA	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/18/2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2007 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080421</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/18/2008 has been entered.

#### ***Response to Amendment***

1. In the amendment filed 04/18/2008, the following has occurred: claims 1,6,9,20,and 24 have been amended. Claims 1-28 are currently presented and have been considered for examination.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-5, 7-9, 12-24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Dejaeger, U.S. Patent No. 6,296,185 B1 (PTO-892 Reference A).

3. As per claim 1, Dejaeger teaches a method of tracking at least one financial transaction between a user receiver and at least one content provider which transmits on-demand content to the user receiver by a network, wherein the tracking method is performed by a third party separate from the user receiver and separate from the at least one content provider, the method comprising the steps of:

- a. storing preliminary information said at least one financial transactions in a third party controlled data base (see column 34 lines 44-58);
- b. obtaining supplemental information for said at least one financial transactions in said third party controlled data base, wherein said obtaining step is performed by the third party (column 34 lines 44-58);
- c. storing said supplemental information for said at least one financial transactions in said third party controlled data base (column 34 lines 44-58);
- d. displaying summary information for each of the plurality of financial transactions upon receipt of a display request from the user receiver, wherein said

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summary information is comprised of at least a portion of said stored preliminary information (column 16 lines 48-56) examiner interprets the users operation of the checkout system as a request;

e. permitting selection of one or more of the financial transactions from said at least one financial transaction by the user receiver for finalization (column 10 lines 62-67);

f. finalizing said selected one or more financial transactions (column 11 lines 14-25); and

g. providing transaction finalization information to each of the at least one content providers affected by said selected one or more financial transactions wherein content corresponding to each of said selected one or more financial transactions is authorized to be transmitted to said user receiver by said at least content providers affected by said selected one or more financial transactions.(column 27 lines 25-32).

4. As per claim 2, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the step of displaying at least one advertisement simultaneously with said summary information (column 59 lines 47-65).

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5. As per claim 3, Dejaeger teaches the above limitations of claim 2. Dejaeger further teaches said at least one advertisement includes linking information to a specific content provider (column 59 lines 47-65).

6. As per claim 4, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches said summary information is comprised of purchase tracking information (column 16 lines 48-56).

7. As per claim 5, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches said summary information is comprised of purchase status information (column 16 lines 48-56).

8. As per claim 7, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches said finalizing step is further comprised of the step of displaying at least one checkout display screen (column 16 lines 48-56).

9. As per claim 8, Dejaeger teaches the above limitations of claim 7. Dejaeger further teaches the step of displaying at least one advertisement simultaneously with said at least one checkout display screen (column 59 lines 47-65).

10. As per claim 9, Dejaeger teaches the above limitations of claim 8. Dejaeger further teaches said at least one advertisement includes linking information when selected by a

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user allows said user to access a specific content provider  
(column 59 lines 47-65).

11. As per claim 12, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the steps of: permitting selection of one or more of the financial transactions by the user receiver for additional information inquiry; obtaining said additional information for said selected financial transactions from said third party controlled data base; and displaying said additional information for said selected financial transactions (column 34 lines 44-58).

12. As per claim 13, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the steps of: permitting selection of one or more of the financial transactions by the user receiver for additional information inquiry; obtaining said additional information for said selected financial transactions from the at least one content provider affected by said selected one or more financial transactions; and displaying said additional information for said selected financial transactions (column 34 lines 44-58).

13. As per claim 14, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the step of finalizing said selected one or more financial transactions is performed by a network operator (column 34 lines 40-54).

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14. As per claim 15, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the step of charging each of the at least one content providers affected by said selected one or more financial transactions (column 26 lines 47-66).

15. As per claim 16, Dejaeger teaches the above limitations of claim 15. Dejaeger further teaches said charging step is performed by an operator of said network (column 26 lines 47-66).

16. As per claim 17, Dejaeger teaches the above limitations of claim 15. Dejaeger further teaches said fee is based on a total number of finalized financial transactions (column 26 lines 47-66).

17. As per claim 18, Dejaeger teaches the above limitations of claim 15. Dejaeger further teaches said fee to a specific content provider of said at least one content providers is based on a total number of finalized financial transactions occurring between said user receiver and said specific content provider (column 26 lines 47-66).

18. As per claim 19, Dejaeger teaches the above limitations of claim 15. Dejaeger further teaches said fee is based on a cost associated with said finalized financial transactions (column 26 lines 47-66).



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19. As per claim 20, Dejaeger teaches a network-based system for supporting a financial transaction, the system comprising:

- a. a network (column 33 lines 40-58);
- b. a content provider coupled to said network, wherein said content provider supplies enhanced content programming relating to said financial transaction wherein said enhanced content programming is at least one of a television program(column 33 lines 40-58);
- c. a receiver coupled to said network, said receiver capable of receiving said enhanced content programming and interacting with said content provider via said network wherein said enhanced programming is selected via the receiver in response to said financial transaction (column 33 lines 40-58);
- d. third party means for intercepting data relating to the financial transaction flowing between said content provider and said receiver via said network (column 34 lines 39-58);
- e. third party means for directly obtaining supplemental information from said content provider relating to the financial transaction (column 34 lines 39-58);
- f. a database coupled to said network and said third party means, under the control of the third party, for

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storing at least a portion of said intercepted data and said supplemental information (column 34 lines 39-58);

g. third party means for selecting a portion of said stored data and information to be displayed (column 34 lines 39-58);

h. a display coupled to said receiver for displaying said selected portion of said stored data and information (column 16 lines 48-56);

i. third party means for finalizing the financial transaction with said receiver (column 11 lines 14-25); and

j. third party means for providing financial transaction finalization information to said content provider wherein said content provider is authorized to transmit enhanced programming corresponding to said financial transaction to said used receiver once said financial transaction is successfully completed(column 27 lines 25-32).

20. As per claim 21, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said third party intercepting means detects triggers contained within said enhanced content programming (column 59 lines 47-65).

21. As per claim 22, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said receiver is selected

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from the group consisting of set-top boxes, telephones, PDAs, and computers (column 17 lines 50-66).

22. As per claim 23, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said network is selected from the group consisting of cable, fiber optics, telephone lines, terrestrial broadcast systems, and satellite broadcast systems (column 33 lines 40-54).

23. As per claim 24, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches means for determining a set of display capabilities for said receiver wherein said means for determining determines said set of display capabilities from a plurality of display capabilities; and third party means for formatting said selected portion of said stored data and information to correspond to said set of display capabilities (column 16 lines 48-56; the interactive customer interface terminal includes a display monitor which is provided to display retail information to the customer during operation of the checkout system. For example, transaction information such as item price, item description, total amount of the transaction, instructions, etcetera is displayed to the customer via the display monitor during operation of the checkout system in either its assisted mode of operation or its self-service mode of operation) examiner notes that a determination of display

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capabilities and matching format compatibilities is necessary in order to display such information.

24. As per claim 26, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said displayed selected portion of said stored data and information utilizes only a portion of a screen corresponding to said display (see Figure 21).

25. As per claim 27, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches said third party intercepting means, said third party means for directly obtaining supplemental information, said third party selecting means, said third party finalizing means, and said third party means for providing financial transaction finalization information is a third party controller coupled to said content provider and to said receiver via said network (column 33 lines 40-54).

26. As per claim 28, Dejaeger teaches the above limitations of claim 20. Dejaeger further teaches third party means for displaying at least one advertisement on said display, said at least one advertisement displayed simultaneously with said selected portion of said stored data and information (see Figure 21).

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dejaeger, U.S. Patent No. 6,296,185 B1 (PTO-892 Reference A).

29. As per claim 6, Dejaeger teaches the above limitations of claim 1. Dejaeger further teaches the steps of: determining display capabilities for the user receiver; and matching a format, from a Plurality of formats, corresponding to said displayed summary information to said determined display capabilities (column 16 lines 48-56; the interactive customer interface terminal includes a display monitor which is provided to display retail information to the customer during operation of the checkout system. For example, transaction information such as item price, item description, total amount of the transaction, instructions, etcetera is displayed to the customer via the display monitor during operation of the checkout system

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in either its assisted mode of operation or its self-service mode of operation) examiner notes that a determination of display capabilities and matching format compatibilities is necessary in order to display such information.

while Dejaeger does not explicitly disclose the use of a Set top box as the user's receiver, Dejaeger discloses the use of a display monitor as the customer interface (column 16 lines 48-56; the interactive customer interface terminal includes a display monitor which is provided to display retail information to the customer during operation of the checkout system). The Examiner notes, exchanging the display monitor does not modify the operation of Dejaeger's invention. To have switched the monitor of Dejaeger with a set top box would have been obvious to the skilled artisan because the two are both well known apparatuses of visual display and both function in similar ways. Such modification would not have otherwise affected Dejaeger and would have merely represented one of numerous displaying apparatuses that the skilled artisan would have found obvious for the purposes already disclosed by Dejaeger. Additionally, applicant has not persuasively demonstrated the criticality of providing this arrangement versus the arrangement discloses in Dejaeger. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

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30. As per claim 11, Dejaeger teaches the above limitations of claim 6. Dejaeger further teaches said displayed summary information utilizes only a portion of said determined display capabilities of the user receiver (See Figure 21).

31. Claims 10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dejaeger, U.S. Patent No. 6,296,185 B1 (PTO-892 Reference A) in view of Fields, U.S. Patent No. 4,400,724 (PTO-892 Reference B).

32. As per claim 10, Dejaeger teaches the above limitations of claim 1. However Dejaeger does not teach said displayed summary information is displayed as a semi-transparent screen overlay. The Examiner notes, displaying information in this fashion does not modify the operation of Dejaeger's invention. To modify Dejaeger's display to include a semi-transparent screen overlay would have been obvious to the skilled artisan because the inclusion of such view would have been an obvious matter of design choice in light of the method already disclosed by Dejaeger (see Fields, column 11 lines 2-7). Such a modification would not have otherwise affected Dejaeger and would have merely represented one of numerous views that the skilled artisan would have found obvious for the purposes of displaying multiple messages, already disclosed by Dejaeger. Additionally, applicant has not persuasively demonstrated the criticality of

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providing this arrangement versus the arrangement discloses in Dejaeger. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

33. As per claim 25, Dejaeger teaches the above limitations of claim 20. However Dejaeger does not teach said displayed selected portion of said stored data and information is a semi-transparent overlay. The Examiner notes, displaying information in this fashion does not modify the operation of Dejaeger's invention. To modify Dejaeger's display to include a semi-transparent screen overlay would have been obvious to the skilled artisan because the inclusion of such view would have been an obvious matter of design choice in light of the method already discloses by Dejaeger (see Fields, column 11 lines 2-7). Such a modification would not have otherwise affected Dejaeger and would have merely represented one of numerous views that the skilled artisan would have found obvious for the purposes of displaying multiple messages, already disclosed by Dejaeger. Additionally, applicant has not persuasively demonstrated the criticality of providing this arrangement versus the arrangement discloses in Dejaeger. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).



***Response to Arguments***

34. Applicant's arguments filed 04/18/2008 have been fully considered but they are not persuasive.

35. Applicant argues that:

Dejaeger does not disclose "the delivery of on-demand programming".

Examiner responds that:

Dejaeger directly teaches a method of tracking financial transactions between user and merchant (see Dejaeger Col. 3 Lns. 19-32). Examiner notes that applicant's original claim 1 and not amended claim 1 contain a step of delivering on-demand programming content. Examiner interprets applicant's amendment to the preamble of claim 1 as nonfunctional descriptive material because the insertion of "which transmits on-demand content" acts as an adjective which merely describes the services or products that are sold by the provider.

36. Applicant argues that:

As per claim 1, Dejaeger does not disclose "including linking information to a specific content provider".

Examiner responds that:

Applicant admits on page 11 that Dejaeger teaches "the concept of displaying an advertisement related to a grocery that a person is buying at a store" (see Dejaeger Col. 59 Lns. 49-64).

Examiner interprets that the advertisement, including the identification of a store that provides the advertised good, is considered as information that links a the consumer and goods to a provider.

37. Applicant argues that:

As per claim 6 Dejaeger does not disclose determining of display capabilities of the user.

Examiner responds that:

Applicant admits on page 11 that Dejaeger teaches "having a specific format in which to display a check out transaction" (see Dejaeger Col. 16 Lns. 48-56). Examiner notes that Dejaeger makes use of a display monitor, as part of the check out system, to serve as the customer interface. examiner interprets that by displaying information to the customer using the monitor, the provider has determined the monitors display capabilities.

38. Applicant argues that:

As per claim 10, Applicant requests examiner to supply rational as why one would combine the check out grocery system of Dejaeger with the virtual reality system of Fields which utilizes overhead cameras to produce a semi-transparent overlay.

Examiner responds that:

Examiner is combining the display technique of Fields, which results in a semi-transparent display, rather than the system

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components that are used to produce that effect. The rational examiner uses is that the semi-transparent screen display represents a well known display output that would be obvious to apply to the disclosure of Dejaeger. To provide evidence that this display output is well known, examiner has introduced Fields.

39. Applicant argues that:

As per claim 20, Dejaeger does not disclose "the operation of delivering enhanced content programming of a television program".

Examiner responds that:

Dejaeger directly teaches a method of tracking financial transactions between user and merchant (see Dejaeger Col. 3 Lns. 19-32). Examiner notes that applicant's claim 20 reads on a system for supporting a financial transaction comprising a network, a content provider, . . . Examiner interprets applicant's recitation of " said enhanced content programming is at least one of a television program", as nonfunctional descriptive material because the insertion acts as an adjective which merely describes the services or products that are sold by the provider, and does not further modify the function of the claimed system.

**Conclusion**

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Computer Dictionary, Microsoft press, 1994 (PTO-892 Reference U) teaches a table to be a data structure consisting of a list of entries.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKS

ONYEZIA whose telephone number is (571)270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/  
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